

House Engrossed Senate Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

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CHAPTER 219

SENATE BILL 1218

AN ACT

AMENDING SECTIONS 28-601, 28-1091 AND 28-1103, ARIZONA REVISED STATUTES;
AMENDING TITLE 28, CHAPTER 3, ARTICLE 18, ARIZONA REVISED STATUTES, BY ADDING
SECTION 28-1110; AMENDING SECTIONS 28-1142, 28-1145 AND 28-1150, ARIZONA
REVISED STATUTES; RELATING TO TRAFFIC AND VEHICLE REGULATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-601, Arizona Revised Statutes, is amended to
3 read:

4 28-601. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Commercial motor vehicle" means a motor vehicle or combination of
7 motor vehicles used to transport passengers or property if the motor vehicle
8 either:

9 (a) Has a gross combined weight rating of twenty-six thousand one or
10 more pounds inclusive of a towed unit with a gross vehicle weight rating of
11 more than ten thousand pounds.

12 (b) Has a gross vehicle weight rating of twenty-six thousand one or
13 more pounds.

14 (c) Is a school bus.

15 (d) Is a bus.

16 (e) Is used in the transportation of materials found to be hazardous
17 for the purposes of the hazardous materials transportation act (49 United
18 States Code sections 5101 through 5127) and is required to be placarded under
19 49 Code of Federal Regulations section 172.504, as adopted by the department
20 pursuant to chapter 14 of this title.

21 2. "Controlled access highway" means a highway, street or roadway to
22 or from which owners or occupants of abutting lands and other persons have no
23 legal right of access except at such points only and in the manner determined
24 by the public authority that has jurisdiction over the highway, street or
25 roadway.

26 3. "Crosswalk" means:

27 (a) That part of a roadway at an intersection included within the
28 prolongations or connections of the lateral lines of the sidewalks on
29 opposite sides of the highway measured from the curbs or, in absence of
30 curbs, from the edges of the traversable roadway.

31 (b) Any portion of a roadway at an intersection or elsewhere that is
32 distinctly indicated for pedestrian crossing by lines or other markings on
33 the surface.

34 4. "ESCORT VEHICLE" MEANS A VEHICLE THAT IS REQUIRED PURSUANT TO RULES
35 ADOPTED BY THE DEPARTMENT TO ESCORT MOTOR VEHICLES OR COMBINATIONS OF
36 VEHICLES THAT REQUIRE ISSUANCE OF A PERMIT PURSUANT TO ARTICLE 18 OR 19 OF
37 THIS CHAPTER FOR OPERATION ON THE HIGHWAYS OF THIS STATE.

38 ~~4.~~ 5. "Explosives" means any chemical compound, mixture or device
39 that is commonly used or intended for the purpose of producing an explosion
40 and that is defined in 49 Code of Federal Regulations part 173.

41 ~~5.~~ 6. "Flammable liquid" means any liquid that has a flash point of
42 less than one hundred degrees Fahrenheit and that is defined in 49 Code of
43 Federal Regulations section 173.120.

44 ~~6.~~ 7. "Gross weight" means the weight of a vehicle without a load
45 plus the weight of any load on the vehicle.

1 ~~7-~~ 8. "Intersection" means the area embraced within the prolongation
2 or connection of the lateral curb lines, or if none, the lateral boundary
3 lines of the roadways of two highways that join one another at, or
4 approximately at, right angles, or the area within which vehicles traveling
5 on different highways joining at any other angle may come in conflict. If a
6 highway includes two roadways thirty or more feet apart, each crossing of
7 each roadway of the divided highway by an intersecting highway is a separate
8 intersection. If the intersecting highway also includes two roadways thirty
9 or more feet apart, each crossing of two roadways of the highways is a
10 separate intersection.

11 ~~8-~~ 9. "License" means any license, temporary instruction permit or
12 temporary license issued under the laws of this state or any other state that
13 pertain to the licensing of persons to operate motor vehicles.

14 ~~9-~~ 10. "Motorized wheelchair" means any self-propelled wheelchair
15 that is used by a person for mobility.

16 ~~10-~~ 11. "Official traffic control device" means any sign, signal,
17 marking or device that is not inconsistent with this chapter and that is
18 placed or erected by authority of a public body or official having
19 jurisdiction for the purpose of regulating, warning or guiding traffic.

20 ~~11-~~ 12. "Park", if prohibited, means the standing of a vehicle,
21 whether occupied or not, otherwise than temporarily for the purpose of and
22 while actually engaged in loading or unloading.

23 ~~12-~~ 13. "Pneumatic tire" means a tire in which compressed air is
24 designed to support the load.

25 ~~13-~~ 14. "Pole trailer" means a vehicle that is all of the following:

26 (a) Without motive power.

27 (b) ~~Designed to be drawn by another vehicle and attached to the towing~~
28 vehicle by means of a reach or pole or by being boomed or otherwise secured
29 to the towing vehicle.

30 (c) Used ordinarily for transporting long or irregularly shaped loads
31 such as poles, pipes or structural members capable generally of sustaining
32 themselves as beams between the supporting connections.

33 ~~14-~~ 15. "Police officer" means an officer authorized to direct or
34 regulate traffic or make arrests for violations of traffic rules or other
35 offenses.

36 ~~15-~~ 16. "Private road or driveway" means a way or place that is in
37 private ownership and that is used for vehicular travel by the owner and
38 those persons who have express or implied permission from the owner but not
39 by other persons.

40 ~~16-~~ 17. "Railroad" means a carrier of persons or property on cars
41 operated on stationary rails.

42 ~~17-~~ 18. "Railroad sign or signal" means a sign, signal or device
43 erected by authority of a public body or official or by a railroad and
44 intended to give notice of the presence of railroad tracks or the approach of
45 a railroad train.

1 ~~18-~~ 19. "Railroad train" means a steam engine or any electric or other
2 motor that is with or without cars coupled to the steam engine or electric or
3 other motor and that is operated on rails.

4 ~~19-~~ 20. "Roadway" means that portion of a highway that is improved,
5 designed or ordinarily used for vehicular travel, exclusive of the berm or
6 shoulder. If a highway includes two or more separate roadways, roadway refers
7 to any such roadway separately but not to all such roadways collectively.

8 ~~20-~~ 21. "Safety zone" means the area or space that is both:

9 (a) Officially set apart within a roadway for the exclusive use of
10 pedestrians.

11 (b) Protected or either marked or indicated by adequate signs as to be
12 plainly visible at all times while set apart as a safety zone.

13 ~~21-~~ 22. "Sidewalk" means that portion of a street that is between the
14 curb lines or the lateral lines of a roadway and the adjacent property lines
15 and that is intended for the use of pedestrians.

16 ~~22-~~ 23. "Solid tire" means a tire that both:

17 (a) Is made of rubber or other resilient material.

18 (b) Does not depend on compressed air for the support of the load.

19 ~~23-~~ 24. "Stop", if required, means complete cessation from movement.

20 ~~24-~~ 25. "Stop, stopping or standing", if prohibited, means any
21 stopping or standing of an occupied or unoccupied vehicle, except when
22 necessary to avoid conflict with other traffic or in compliance with
23 directions of a police officer or traffic control sign or signal.

24 ~~25-~~ 26. "Through highway" means a highway or portion of a highway at
25 the entrances to which vehicular traffic from intersecting highways is
26 required by law to stop before entering or crossing and when stop signs are
27 erected as provided in this chapter.

28 ~~26-~~ 27. "Traffic" means pedestrians, ridden or herded animals,
29 vehicles and other conveyances either singly or together while using a
30 highway for purposes of travel.

31 ~~27-~~ 28. "Traffic control signal" means a device, whether manually,
32 electrically or mechanically operated, by which traffic is alternately
33 directed to stop and to proceed.

34 ~~28-~~ 29. "Truck" means a motor vehicle that is designed, used or
35 maintained primarily for the transportation of property.

36 Sec. 2. Section 28-1091, Arizona Revised Statutes, is amended to read:

37 28-1091. Violation; scope and effect

38 A. A person shall not drive or move and the owner of a vehicle shall
39 not knowingly cause or permit to be driven or moved on a highway a vehicle or
40 vehicles of a size or weight exceeding the limitations stated in this article
41 or otherwise in violation of this article.

42 B. The maximum size and weight of vehicles specified in this article
43 are lawful throughout this state. A local authority shall not alter the
44 limitations stated in this article unless authorized by this article.

1 C. The size, weight and load provisions of this article do not apply
2 to either:

- 3 1. Fire apparatus.
- 4 2. Urban public transit transportation system vehicles.
- 5 3. Implements of husbandry, including farm tractors, that are
6 temporarily moved on a highway.
- 7 4. Vehicles operated under the terms of a special permit issued
8 pursuant to this article.

9 D. A LAW ENFORCEMENT OFFICER SHALL NOT ISSUE A CITATION TO OR DETAIN A
10 MOTOR CARRIER WHO DOES NOT HAVE A PERMIT ISSUED BY THE DEPARTMENT OR A LOCAL
11 AUTHORITY IF THE MOTOR CARRIER IS ON A STREET OR ROADWAY THAT IS CONTROLLED
12 BY A LOCAL AUTHORITY AND ALL OF THE FOLLOWING APPLY:

13 1. THE LOCAL AUTHORITY DOES NOT ISSUE PERMITS PURSUANT TO SECTION
14 28-1103.

15 2. THE MOTOR CARRIER IS UNABLE TO OBTAIN A PERMIT REQUIRED BY
16 SECTION 28-1103 FROM THE DEPARTMENT SOLELY FOR THE REASON THAT THE MOTOR
17 CARRIER IS OPERATING ON STREETS AND ROADWAYS THAT ARE UNDER THE JURISDICTION
18 OF A LOCAL AUTHORITY.

19 3. THE MOTOR CARRIER IS IN COMPLIANCE WITH RULES ADOPTED BY THE
20 DEPARTMENT PURSUANT TO SECTION 28-1103 OR ORDINANCES ADOPTED BY THE LOCAL
21 AUTHORITY THAT RELATE TO THE MOVEMENT OF OVERDIMENSIONAL OR OVERWEIGHT
22 VEHICLES.

23 E. ESCORT VEHICLE OPERATORS ARE NOT RESPONSIBLE FOR VIOLATIONS OF THIS
24 ARTICLE OR ARTICLE 19 OF THIS CHAPTER COMMITTED BY THE OPERATOR OF THE
25 ESCORTED VEHICLE OR THE OWNER OF THE ESCORTED VEHICLE.

26 Sec. 3. Section 28-1103, Arizona Revised Statutes, is amended to read:
27 28-1103. Excess size and weight special permits: definition

28 A. Subject to section 28-1104, subsection E, on application in writing
29 and for good cause, the director with respect to highways under the
30 jurisdiction of the department and a local authority with respect to highways
31 under its jurisdiction may issue a special permit in writing authorizing the
32 applicant to operate or move a vehicle or combination of vehicles of a size
33 or weight of vehicle or load exceeding the maximum specified in this article
34 or otherwise not in conformity with this chapter on any highway under the
35 jurisdiction of the party granting the permit and for the maintenance of
36 which the party is responsible.

37 B. A special permit may be issued for the movement of overdimensional
38 and overweight loads that is subject to department rules for overdimensional
39 and overweight loads. The director shall adopt rules for overdimensional and
40 overweight loads. The director may establish fees to cover all or part of
41 the cost of review and analysis of requests for overdimensional and
42 overweight load permits. The department shall collect the fees, in addition
43 to the special permit fee provided by this section.

1 C. Subject to this section, the director or local authority may issue
2 the following special permits that are valid for one year and that may be
3 limited by the director or local authority:

4 1. A special permit authorizing the applicant to transport a load by
5 means of a truck or truck tractor, a semitrailer and one full trailer
6 combination, if all of the following conditions are met:

7 (a) The combination does not exceed one hundred eleven thousand pounds
8 of gross vehicle weight.

9 (b) The axle weight limitations are subject to sections 28-1099 and
10 28-1100.

11 (c) The vehicle combination is traveling within twenty miles of the
12 borders of this state and an adjacent state that allows such combinations of
13 length and gross vehicle weight.

14 2. Except on the national intercity truck route network as designated
15 by the United States secretary of transportation as required by the surface
16 transportation assistance act of 1982, a special permit authorizing the
17 applicant to transport a load by means of a truck or truck tractor, a
18 semitrailer and not more than two trailers if all of the following conditions
19 are met:

20 (a) The overall length of the cargo carrying unit of the vehicle
21 combination does not exceed ninety-five feet.

22 (b) The axle weight limitations conform to sections 28-1099 and
23 28-1100.

24 (c) The overall gross weight of the vehicle combination does not
25 exceed one hundred twenty-one thousand pounds for nine axles or one hundred
26 twenty-three thousand five hundred pounds for ten axles.

27 (d) The vehicle combination is traveling on either:

28 (i) Portions of an alternate state route that is located within four
29 miles of and extends to the border of this state and an adjacent state that
30 allows vehicle combinations of a truck or a truck tractor, a semitrailer and
31 two trailers or semitrailers.

32 (ii) A state route that extends at least ten miles through an Indian
33 reservation, does not cross the Colorado river and is located within twenty
34 miles of and extends to the border of this state and an adjacent state that
35 allows two trailers or semitrailers.

36 3. On application in writing by an owner of a watercraft as defined in
37 section 5-301 and on good cause shown, a special excess width permit for a
38 fee of forty-five dollars for each watercraft covered by the permit that:

39 (a) Authorizes the owner to move a vehicle loaded with the watercraft
40 on a highway under the jurisdiction of the issuer if all of the following
41 conditions exist:

42 (i) The total outside width of the vehicle and watercraft does not
43 exceed ten feet.

44 (ii) The vehicle loaded with the watercraft is otherwise in conformity
45 with the limitations prescribed by this chapter.

1 (iii) The watercraft is properly registered with the Arizona game and
2 fish department.

3 (b) Contains the watercraft registration number.

4 D. The director may issue a special excess width permit for the
5 operation of a vehicle with a reducible load only if both:

6 1. The load exceeds the width limitation prescribed in this section.

7 2. The load does not exceed ten feet in width.

8 E. Subject to this section and on receipt of an application, the
9 director or local authority shall issue a permit that is valid for one year
10 and that authorizes the commercial movement of recreational vehicles as
11 defined in section 41-2142 that exceed the size restrictions prescribed in
12 this article. There is no limit on the number of movements generated or the
13 number of vehicles moved by the permittee under a permit issued pursuant to
14 this subsection. Notwithstanding section 28-1104, additional permit
15 requirements shall not be imposed on the commercial movement of these
16 recreational vehicles if the recreational vehicles comply with section
17 28-1093, subsection D.

18 F. IF A LOCAL AUTHORITY ISSUES PERMITS PURSUANT TO THIS SECTION, THE
19 LOCAL AUTHORITY SHALL IN A TIMELY MANNER PROVIDE TO THE DEPARTMENT IN AN
20 ELECTRONIC FORMAT PRESCRIBED BY THE DIRECTOR ALL CURRENT ORDINANCES AND RULES
21 OF THE LOCAL AUTHORITY RELATING TO THE PERMITS. THE DEPARTMENT SHALL MAKE
22 THE ORDINANCES AND RULES AVAILABLE TO THE PUBLIC IN AN ELECTRONIC FORMAT.

23 G. THE DEPARTMENT IS IMMUNE FROM LIABILITY FOR PROVIDING TO THE PUBLIC
24 A LOCAL AUTHORITY'S ORDINANCES OR RULES RELATING TO PERMITS ISSUED BY THE
25 LOCAL AUTHORITY PURSUANT TO THIS SECTION IF THE DEPARTMENT RELIES ON THE
26 INFORMATION SUBMITTED BY THE LOCAL AUTHORITY IN GOOD FAITH.

27 ~~F.~~ H. For THE purposes of this section, "cargo carrying unit" means
28 any portion of a commercial motor vehicle combination used for the carrying
29 of cargo, including a trailer, A semitrailer or the cargo carrying section of
30 a single unit truck. Cargo carrying unit does not include the truck or truck
31 tractor.

32 Sec. 4. Title 28, chapter 3, article 18, Arizona Revised Statutes, is
33 amended by adding section 28-1110, to read:

34 28-1110. Escort vehicle operation; training and certification;
35 exemption

36 A. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ANY INDIVIDUAL
37 OPERATING AN ESCORT VEHICLE THAT IS ESCORTING A VEHICLE REQUIRED TO BE
38 PERMITTED PURSUANT TO THIS ARTICLE OR ARTICLE 19 OF THIS CHAPTER ON A HIGHWAY
39 IN THIS STATE SHALL HAVE COMPLETED TRAINING IN AND BE CERTIFIED BY A PROGRAM
40 THAT MEETS THE ESCORT VEHICLE OPERATOR TRAINING AND CERTIFICATION STANDARDS
41 OF THE COMMERCIAL VEHICLE SAFETY ALLIANCE OR AN EQUIVALENT PROGRAM THAT MEETS
42 THE SAME OBJECTIVES.

43 B. AN ESCORT VEHICLE OPERATOR SHALL REPEAT TRAINING AND CERTIFICATION
44 REQUIREMENTS AT LEAST ONCE EVERY FOUR YEARS.

1 C. AN ESCORT VEHICLE OPERATOR SHALL:
2 1. BE AT LEAST EIGHTEEN YEARS OF AGE.
3 2. HAVE A VALID DRIVER LICENSE.
4 3. HAVE A LEGIBLE AND VALID ESCORT VEHICLE OPERATOR CERTIFICATE ISSUED
5 IN THIS STATE OR IN ANOTHER STATE IN THE OPERATOR'S IMMEDIATE POSSESSION
6 WHILE OPERATING AN ESCORT VEHICLE THAT IS ESCORTING A VEHICLE REQUIRED TO BE
7 PERMITTED PURSUANT TO THIS ARTICLE OR ARTICLE 19 OF THIS CHAPTER ON A HIGHWAY
8 IN THIS STATE.

9 D. AN INDIVIDUAL WHO OPERATES AN ESCORT VEHICLE IN VIOLATION OF THIS
10 SECTION OR RULES ADOPTED BY THE DIRECTOR RELATING TO THE OPERATION OF ESCORT
11 VEHICLES IS RESPONSIBLE FOR A CIVIL TRAFFIC VIOLATION.

12 E. A DEPARTMENT OR AGENCY OF THIS STATE SHALL NOT CONSIDER THE
13 VIOLATION FOR THE PURPOSE OF DETERMINING WHETHER THE PERSON'S DRIVER LICENSE
14 SHOULD BE SUSPENDED OR REVOKED AND A COURT SHALL NOT TRANSMIT ABSTRACTS OF
15 RECORDS OF JUDGMENT FOR THE VIOLATION TO THE DEPARTMENT.

16 F. THIS SECTION DOES NOT APPLY TO LAW ENFORCEMENT PERSONNEL ESCORTING
17 OVERDIMENSIONAL PERMITTED LOADS IN THE CONDUCT OF THEIR NORMAL DUTIES OR
18 UNDER CONTRACT TO GOVERNMENTAL ENTITIES.

19 G. A CERTIFICATION ISSUED BY ANOTHER STATE AUTHORIZING A PERSON TO
20 ESCORT VEHICLES REQUIRED TO BE PERMITTED PURSUANT TO THIS ARTICLE OR ARTICLE
21 19 OF THIS CHAPTER ON A HIGHWAY IN THIS STATE SATISFIES THE CERTIFICATION
22 REQUIREMENTS OF THIS SECTION.

23 Sec. 5. Section 28-1142, Arizona Revised Statutes, is amended to read:
24 28-1142. Application

25 A. A person shall not operate, move or leave standing on a highway of
26 this state a vehicle that is carrying or transporting cargo and that is
27 required to have a permit for excess size or weight or that is otherwise not
28 in conformity with this chapter unless the department issued an envelope
29 permit or the person obtained a permit pursuant to section 28-1103.

30 B. A person shall submit an application for an envelope permit to the
31 director in writing on a form prescribed and furnished by the director. The
32 application shall be verified and shall state:

33 1. The principal place of business of the applicant.

34 2. The established place of business or the place of business at or
35 from which the business is to be conducted.

36 3. The vehicle identification number of and the make of the vehicle
37 that the applicant lists as an authorized vehicle on the envelope permit.

38 4. Other information the director requires.

39 C. The director shall deny an application for an envelope permit if
40 the applicant knowingly makes a misrepresentation, misstatement or material
41 omission of information on the application. A person who is denied an
42 envelope permit pursuant to this subsection is not eligible to reapply for an
43 envelope permit for a period of up to twenty-four months from the date of the
44 denial.

1 D. THIS ARTICLE, ARTICLE 18 OF THIS CHAPTER AND DEPARTMENT RULES
2 RELATING TO ENVELOPE PERMITS AND OVERDIMENSIONAL PERMITS APPLY IF A LOCAL
3 AUTHORITY DOES NOT ISSUE PERMITS PURSUANT TO SECTION 28-1103.

4 E. THE DEPARTMENT SHALL MAKE ITS RULES RELATING TO ENVELOPE PERMITS
5 AND OVERDIMENSIONAL PERMITS ELECTRONICALLY AVAILABLE IN A FORMAT THAT IS THE
6 SAME OR SIMILAR TO THE FORMAT PRESCRIBED BY THE DIRECTOR PURSUANT TO
7 SECTION 28-1103.

8 Sec. 6. Section 28-1145, Arizona Revised Statutes, is amended to read:
9 28-1145. Third party permit issuance

10 The director, in consultation with the ~~overdimensional permit advisory~~
11 council established by section 28-1150, may authorize third parties pursuant
12 to chapter 13, article 1 of this title to issue permits pursuant to article
13 18 of this chapter and this article.

14 Sec. 7. Section 28-1150, Arizona Revised Statutes, is amended to read:
15 28-1150. Overdimensional permit council

16 A. An ~~overdimensional permit advisory~~ council is established
17 consisting of the following nine members who are appointed by the governor:

- 18 1. One member representing the department of public safety.
- 19 2. One member representing the department of transportation.
- 20 3. Four members representing motor carriers.
- 21 4. One member from a ~~municipal law enforcement agency of a city or~~
22 town with a population of more than one hundred thousand persons.
- 23 5. One member from a ~~municipal law enforcement agency of a city or~~
24 town with a population of one hundred thousand persons or less.
- 25 6. One member representing the governor's office of community and
26 highway safety.

27 B. The members serve staggered three year terms.

28 C. The ~~overdimensional permit advisory~~ council shall:

- 29 1. Meet at least annually.
- 30 2. Select from its members a person to serve as chairperson.
- 31 3. Advise and assist the department of transportation in developing
32 rules required to administer this article and article 18 of this chapter.
- 33 4. Advise and consult with the motor carrier industry, department of
34 transportation and state and local law enforcement agencies concerning
35 matters relating to overdimensional permits.

36 5. Establish a mailing list that includes any party expressing an
37 interest in the ~~advisory~~ council's activities. The ~~advisory~~ council shall
38 provide the list to the department of transportation, and the department of
39 transportation shall send notice by first class mail to each person on the
40 list at least fifteen days before the date on which each meeting of the
41 ~~advisory~~ council is to be held.

42 D. Members of the ~~overdimensional permit advisory~~ council are not
43 eligible to receive compensation or reimbursement for expenses.

44 E. The ~~overdimensional permit advisory~~ council is subject to title 38,
45 chapter 3, article 3.1.